

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONY PEROULIS,

Plaintiff,

v.

PAUL KOZAK a/k/a ZACHARY
KRISTON a/k/a ZACHARY KING, an
individual, et al.,

Defendants.

2:07-CV-284 JCM (CWH)

Date: N/A

Time: N/A

ORDER

Presently before the court is plaintiff Tony Peroulis's motion to voluntarily dismiss his remaining claims and have final judgment entered pursuant to this court's grant of summary judgment.. (Doc. #251). Defendant Zachary Kriston (aka Paul Kozak) has filed an opposition (doc. # 261), and Peroulis has replied (doc. #262).

This court previously granted partial summary judgment in favor of plaintiff Tony Peroulis. (Doc. #231). Mr. Peroulis now seeks to voluntarily dismiss his remaining claims pursuant to Federal Rule of Civil Procedure 41(a).

Federal Rule of Civil Procedure 41(a)(2) provides: "An action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." This court finds that Mr. Peroulis's request to voluntarily dismiss his regaining claims is proper and not prejudicial to Mr. Kozak.

1 Mr. Kozak's primary argument against the entry of a final judgment, is that he believes this
2 court should stay all proceedings in this matter pending the resolution of Mr. Kozak's writ of
3 mandamus. However, Mr. Kozak has not provided this court with any argument or authority
4 explaining why such a stay is mandated on these facts. Should the Ninth Circuit issue the writ, this
5 court can revisit the issue.


6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Mr. Peroulis's motion for
8 entry of final judgment (doc. #251) be, and the same hereby is, GRANTED.

9 IT IS FURTHER ORDERED THAT Mr. Peroulis's remaining causes of action be, and the
10 same hereby are, DISMISSED.

11 The clerk shall enter final judgment in this matter pursuant to this court's previous grant of
12 partial summary judgment (doc. #231).

13 DATED this 23rd day of December, 2011.

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16 UNITED STATES DISTRICT JUDGE
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